

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA

IN RE:

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Case No. 17-04447

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NOAL PRICE TREY OLIVER III,*

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Debtor.

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MOTION OF DEBTOR TO APPROVE SALE OF REAL PROPERTY

NOW COMES Debtor, Noah “Trey” Oliver, by and through counsel, and hereby files this Motion to Approve Sale of Real Property located at 4033 Marchfield Drive North, Mobile, AL 36693. As grounds for this Motion, Debtor states as follows:

1. Debtor has a contract for the proposed sale of the real property to an unrelated buyer for a sum of \$420,000.00, free and clear of all liens, with the lien of US Bank in or on the real property to attach to the proceeds of such sale to pay: (1) the balance due to US Bank on its promissory note and mortgage with per diem interest through the date payment is received by US Bank; (2) reasonable attorney’s fees, costs, and expenses in the amount of \$500.00 to Stephen L. Klimjack, LLC for services rendered incidental to the preparation for and disposition of this Motion; (3) for the issuance of an Owner’s title insurance policy to the purchaser(s), cost of recordation of the deed, debtor’s portion of proration of taxes, costs of survey, and other typical closing costs usually assessed to the sellers, with such costs; and (4) the remaining balance, if any to be paid to the debtor in these proceedings.
2. There is equity in the real property, of which \$0.00 has been claimed as exempt by the Debtor.

3. Debtor has attached the Purchase Agreement referencing the purchase amount of \$420,000.00. The first mortgage creditor, US Bank, will receive its total amount of a secured claim, an estimated \$327,423.23.
4. No Realtor is involved with the sale.
5. Debtor is current on their Chapter 13 plan payments, and payments are made via ACH.
6. Debtor requests that the proceeds of the sale of the home after satisfaction of the liens to be paid as follows, \$500.00 to Stephen L. Klimjack, \$500.00 directly to the Trustee to pay the balance of the Debtors' Chapter 13 bankruptcy case, any remaining balance to be paid directly to the Debtor.
7. Debtor requests a hearing on the matter.

WHEREFORE, the premises considered, Debtor moves the Court to grant this Motion to sell the described real property, free and clear of all liens, with the liens of US Bank on the real property to attach to the proceeds of the sale, and further authorizing the various referenced payments, from the proceeds, in the priorities hereinbefore mentioned and grant such other further and different relief this court deems just.

Respectfully Submitted,

/s/ Stephen L. Klimjack
STEPHEN L. KLIMJACK (KLIMS7892)
Stephen L. Klimjack, LLC
1306 Government Street
Mobile, AL 36604
(251) 694-0600
(251) 694-0611 fax

CERTIFICATE OF SERVICE

I do hereby certify that on this the 22nd day of March 2022, a copy of the foregoing

document was served on the Trustee via the U.S. Bankruptcy Court Electronic Filing Service, and by placing a copy of same in the U.S. Mail, properly addressed and first class postage prepaid upon the following:

US Bank National Association
PO Box 55004
Irvine, CA 92619-2708

/s/Stephen L. Klimjack
STEPHEN L. KLIMJACK